

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT SEDORE,

Plaintiff,

CASE No. 2:21-cv-12623

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

SIRENNA LANDFAIR, ET AL.,

Defendants.

**OPINION AND ORDER DISMISSING COMPLAINT, DENYING THE
APPLICATION TO PROCEED IN FORMA PAUPERIS, AND FINDING
THAT AN APPEAL CANNOT BE TAKEN IN GOOD FAITH**

Plaintiff Scott Sedore is incarcerated in Michigan. He filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, and an application to proceed without prepaying fees or costs for this civil action. Although Plaintiff allegedly lacks the funds to pay the required fees, his certificate of prisoner institutional/trust fund account activity states that he had a current spendable account balance of \$4,602.85 in his prison account as of October 19, 2021. ECF No. 2, PageID.55. The Court also recognizes that the Government provides Plaintiff with food, clothing, and shelter such that requiring prepayment of the filing fees for this action will not force him to go without necessities. *See Lyon v Krol*, 127 F.3d 763, 765 (8th Cir. 1997). Accordingly, the Court concludes from the financial data that

Plaintiff fails to establish indigence and that he can pay the \$350 filing fee and \$52 administrative fee for this civil action.

Accordingly, the Court DENIES Plaintiff's request to proceed without prepayment of fees or costs and DISMISSES WITHOUT PREJUDICE his civil rights complaint. The Court is required to dismiss the case because the claim of poverty is unsupported. *See* 28 U.S.C. § 1915(e)(2)(A). Plaintiff may submit a new civil rights complaint with payment of the required fees in a new case.¹ This case is closed and will not be reopened. The Court makes no determination as to the merits of Plaintiff's complaint. The Court also concludes that an appeal from this decision cannot be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962). This case is closed.

IT IS SO ORDERED.

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: November 30, 2021

¹The Court is aware that Plaintiff has submitted a 50-page complaint (including exhibits) in this case. If Plaintiff files a new civil rights case with payment of the required fees, he can ask that the previously submitted materials be electronically re-filed in the new case without filing additional paper copies.

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
November 30, 2021, by electronic and/or ordinary mail.

/s/ Teresa McGovern

Case Manager

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